## REMARKS

The present Amendment is in response to the Examiner's Office Action mailed January 10, 2008. Claims 1-5, 7-13 and 25-36 were pending at the time of the office action. By this response, claim 34 is cancelled, claims 1 and 25 are amended, and new claims 37 and 38 are added. Claims 1-5, 7-13, 25-33 and 35-38 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Assignee remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Assignee request that the Examiner carefully review any references discussed below to ensure that Assignee understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### I. Examiner's Interview

Assignee expresses its appreciation to the Examiner for conducting a telephone interview with Assignee on March 14, 2008. This response contains the substance of the interview.

### II. PRIOR ART REJECTIONS

#### A. Rejection Under 35 U.S.C. §102(b)

The Examiner rejected claims 1-4, 7-8, 11, 25-29 and 34 under 35 U.S.C. § 102(b) over *Miyasaka et al.* (United States Patent No. 4,330,219). Because *Miyasaka* does not teach or suggest each and every element of the rejected claims, Assignee respectfully traverses this rejection in view of the following remarks.

*Miyasaka* relates to an upper cover structure for a line printer. '219 patent, col. 1, ll. 5-6. *Miyasaka* teaches[1] "an upper cover hood 1 covers a printing mechanism 2 mounted on a box

[1] The *Miyasaka* reference shows a prior art configuration (Figure 1) and an inventive configuration (Figure 2). However, many of the inventive features described in Figure 2 are the same as the prior art configuration described in Figure 1, particularly with respect to the features which the Examiner asserts the present claims read upon.

shaped console frame 4." *Id.* at ll. 22-23. The upper cover hood 1 is pivotably movable relative to the console frame 4 at a hinge 5. *Id.* at ll. 24-28. *Miyasaka* states that the upper cover hood can be relatively heavy so that "at least one balance mechanism 26 utilizing a spring biasing force is employed." *Id.* at ll. 33-43 (emphasis added). The balancing mechanism includes a lower spring 13a for "urg[ing] the upper cover hood 1 upwardly" and an upper spring 13b that "is adapted to stop the cover at a predetermined pivotal locus and to provide a shock absorbing function upon the upper cover hood 1 being opened to the maximum," wherein "the biasing force of the spring 13a becomes greater than that of the spring 13b so that the upper cover hood 1 can be opened with only a small manual force." *Id.* at col. 1, ll. 57-58, col. 1, ll. 64-67 - col. 2, ll. 1-3. Furthermore, upon closure of the cover hood 1, "the biasing force of the lower spring 13a is slightly smaller than total weight of the upper cover hood 1 so that . . . immediate descent of the cover is prevented." *Id.* at col. 1, ll. 61-64. Thus, *Miyasaka* teaches restoring forces being used to assist a user in opening and closing a cover hood. *See also id.* at col. 3, ll. 49-51. However, *Miyasaka* does not teach that the cover hood can be statically positioned at any of a range of angles.

One of skill in the art would understand from the arrangement of the balancing mechanism in *Miyasaka* that even with the springs 13a, 13b, the *Miyasaka* reference does not teach that the balancing mechanism 26 generates a moment to the axle 5 that overcomes a moment generated by the cover hood except in a fully opened position. This is clear from the use of lower spring 13a which prevents "immediate descent of the cover." *Id.* at col. 1, ll. 61-64. In other words, the lower spring 13a slows descent but does not statically position the cover hood at any of a range of angles. Nor is there any teaching that the lower spring 13a or upper spring 13b cooperate together to cause the cover hood to be statically positioned at any of a range of angles. It is also clear that because the lower spring 13a is required in order to prevent "immediate descent of the cover," *id.*, that the interaction between the shaft 10 and guide 12 alone is insufficient to generate a moment that overcomes the moment generated by the cover hood. Further, were the lower spring 13a to be removed, the cover hood would land heavily on the frame. *See id.*

In contrast, independent claim 1 recites

> the support shaft passing through the hole and capable of moving through the hole while a supporting force caused by friction between the support shaft and the

> support block generates a moment to the joint axle larger than a moment to the joint axle generated by a weight of the upper body so that the supporting force is substantially the same at any of a range of angles, wherein the upper body is capable of being statically positioned at any of a range of angles relative to the housing due to friction between the support block and the support shaft

The elements of claim 1 are supported in the original specification in paragraph 18. As discussed above, *Miyasaka* does not teach "a supporting force caused by friction between the support shaft and the support block generates a moment to the joint axle larger than a moment to the joint axle generated by a weight of the upper body". As discussed above, in *Miyasaka*, the lower spring 13a and upper spring 13b do not provide friction between the shaft 10 and the guide 12 to generate a moment to the joint axle larger than the moment generated by the weight of the upper cover hood. Further, if the springs 13a or 13b were removed, the support interaction between the shaft 10 and guide 12 alone is simply insufficient to generate a supporting force with a moment that overcomes a moment generated by the upper cover except when fully opened. Finally, because the balancing mechanism as discussed above is incapable of generating such a supporting force in the manner recited in claim 1, *Miyasaka* does not teach that the upper cover can be statically positioned at any of a range of angles. Therefore, *Miyasaka* does not teach that "the supporting force is substantially the same at any of a range of angles, wherein the upper body is capable of being statically positioned at any of the range of angles." As such, Assignee respectfully submits that *Miyasaka* does not teach the elements of claim 1.

Further, *Miyasaka* does not teach the elements of independent claim 25. Claim 25 recites

> said means for supporting interfacing with the housing, and said support shaft and means for supporting the support shaft generating a moment greater than a moment generated by a weight of the upper body, wherein the upper body is capable of being statically positioned at any of a range of angles relative to the housing due to a frictional relationship defined by the means for supporting and the support shaft.

The elements of claim 25 are also not suggested by *Miyasaka* for many of the same reasons discussed above. As such, Assignee respectfully request that the rejection to independent claims 1 and 25 under 35 U.S.C. § 102(b) be withdrawn.

Dependent claims 2-4, 7-8, 11 and 26-29 depend from independent claims 1 and/or 25 and thus incorporate the elements thereof. As such, Assignee respectfully submits that claims 2-4, 7-8, 11 and 26-29 are distinguishable over the prior art for at least the same reasons discussed

above with respect to claims 1 and/or 25 and request that the anticipation rejection with respect to these claims be withdrawn.

### B. Rejection Under 35 U.S.C. § 103

The Examiner rejected claims 5, 10, and 30-31 under 35 U.S.C. § 103 as being unpatentable over *Miyasaka et al.* (U.S. Patent No. 4,330,219) in view of *Clements* (U.S. Patent No. 2,148,014). The Examiner rejected claims 9 and 32-33 under 35 U.S.C. § 103 as being unpatentable over *Miyasaka et al.* (U.S. Patent No. 4,330,219) in view of *Johnson et al.* (U.S. Patent No. 6,563,598).

Dependent claims 5, 9-10 and 30-33 depend from independent claims 1 and/or 25 and thus incorporate the elements thereof. Assignee respectfully submits that claims 5, 9-10 and 30-33 are distinguishable over the prior art for at least the same reasons discussed above with respect to claims 1 and/or 25. Furthermore, neither *Clement*s nor *Johnson* cures the deficiencies cited above with respect to *Miyasaka*. As such, Assignee respectfully requests that the obviousness rejection with respect to these claims be withdrawn.

## III. Allowed Subject Matter

The Office Action indicated that claim 35 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. Further, the Office Action indicated that claim 36 is allowed.

The Examiner's allowance of claims 35 and 36 is appreciated. Assignee wishes to thank the Examiner for the careful review and allowance of those claims. The Examiner's statements of reasons for allowance for claims 35 and 36 are hereby acknowledged by Assignee. Assignee agrees that the claimed subject matter is patentably distinct from the documents cited by the Examiner; however, Assignee takes no position regarding the reasons for allowance presented by the Examiner, other than the positions Assignee may have previously taken during prosecution of the above-referenced patent application. Therefore, the Examiner's reasons for allowance should not be attributed to Assignee as an indication of the basis for Assignee's belief that the claims are patentably distinct. Furthermore, it is respectfully asserted that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record. While

in accordance with 37 C.F.R. §1.104(e), a failure by the Assignee to disagree with the Examiner, or file more detailed comments, does not give rise to any implication that the Assignee agrees with or acquiesces in the reasoning of the Examiner, here, by this document, Assignee is expressly making clear that no such agreement or acquiescence is present.

Further, Assignee has not elected to amend claim 35 in independent form and, instead, wishes the Examiner to reconsider claim 1, from which claim 35 depends based on the amendments and arguments presented herein. However, Assignee reserves the right to rewrite claim 35 in independent form for allowance of this claim in the future.

## IV. New Claims

By this response, Assignee has added new claims 37 and 38. Assignee submits that new claims 37 and 38 are based in the originally filed specification and/or claims and that no new matter has been added. Assignee respectfully submits that new claims 37 and 38 are allowable over the prior art. For example, among other things, the prior art does not teach, as recited in new independent claim 37:

> a support block connected to the housing, the support block defining a hole, the support shaft passing through the hole and capable of moving through the hole while a supporting force between the support shaft and the support block generates a moment to the joint axle larger than a moment to the joint axle generated by a weight of the upper body such that the supporting force is substantially the same at any of a range of angles, wherein the upper body is capable of being statically positioned at any of the range of angles relative to the housing without relying on a restorative force applied to the hinge.

Further, the prior does not teach, among other things, as recited in new independent claim 38:

> said support shaft and means for supporting the support shaft generating a moment greater than a moment generated by a weight of the upper body wherein the upper body is capable of being statically positioned at any of a range of angles relative to the housing without relying on a restorative force applied to the means for coupling an upper body to a housing.

In the Background of Invention section, the specification states:

> The upper part is a heavy body connected to the housing of the machine body, and is capable of being lifted up. The upper body often utilizes a restoring force of a connected spring when it is positioned at an angle within a limited range.

Specification, para. 4. The specification then goes on to describe various disadvantages when relying on a restoring force to position the upper part relative to the housing. The Background concludes that "The upper body in this design [implementing a restoring force in the configuration shown in Figures 1 and 2] is not capable of being statically positioned at angles other than fully open and closed." *Id.* Since *Miyasaka* clearly shows a restorative force being applied to the balancing mechanism, Assignee believes that claims 37 and 38 are distinguishable over the *Miyasaka* reference. As such, Assignee respectfully requests entry and allowance of new claims 37 and 38.

## CONCLUSION

In view of the foregoing, and consistent with the Examiner Interview, Assignee believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 10th day of April, 2008.

Respectfully submitted,

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